

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking on the  
Commission's Own Motion into Competition for  
Local Exchange Service.

Rulemaking 95-04-043  
(Filed April 26, 1995)

Order Instituting Investigation on the  
Commission's Own Motion into Competition for  
Local Exchange Service.

Investigation 95-04-044  
(Filed April 26, 1995)  
**(FCC Triennial Review  
Nine-Month Phase)**

**ADMINISTRATIVE LAW JUDGE'S RULING  
SOLICITING COMMENTS ON FCC NPRM**

On August 20, 2004, the Federal Communications Commission (FCC) released its Order and Notice of Proposed Rulemaking (NPRM) regarding development of alternative unbundling rules to implement the obligations of Section 251(c)(3) of the Communications Act of 1934, as amended by the 1996 Telecommunications Act. (WC Docket No. 04-313 / CC Docket No. 01-338).

This ruling authorizes parties to file one concurrent round of comments on the FCC NPRM with respect to the one limited issue of its impact on this Commission's jurisdiction to issue a decision adopting and approving a batch hot cut process. Parties need not repeat arguments on Commission jurisdiction previously made in comments on the ALJ's Proposed Decision, but should focus specifically on the relevant language in the NPRM. Parties' comments shall be due no later than September 13, 2004 and shall be limited to 10 pages in length.

**IT IS RULED** that:

1. Parties are authorized to file one round of concurrent comments on the Federal Communications Commission's Order and Notice of Proposed Rulemaking with respect to the limited issue of its impact on this Commission's jurisdiction to issue a decision adopting and approving a batch hot cut process.

2. Parties' comments shall be due no later than September 13, 2004 and shall be limited to 10 pages in length.

Dated September 3, 2004 in San Francisco, California.

/s/ THOMAS R. PULSIFER

Thomas R. Pulsifer  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail, and by electronic mail to the parties who have provided an electronic mail address, this day served a true copy of the original attached Administrative Law Judge's Ruling Soliciting Comments on FCC NPRM on all parties of record in this proceeding or their attorneys of record.

Dated September 3, 2004, at San Francisco, California.

/s/ ELIZABETH LEWIS

Elizabeth Lewis

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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(415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.